

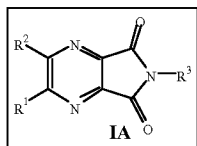
## DETAILED ACTION

### *Status of the Claims / Priority*

Claims 2, 3, 5 and 7-16 are pending in the current application. According to the *In The Claims*, filed January 28, 2009, claims 2, 5 and 7 were amended, claims 1, 4 and 6 were cancelled and claims 9-16 were added. This application is a 35 U.S.C. § 371 National Stage Filing of International Application No. PCT/GB2004/04934, filed November 24, 2004, which claims priority under 35 U.S.C. § 119(a-d) to GB 0327331.5, filed November 25, 2003.

### *Status of Restrictions / Election of Species*

Applicant's affirmation of the following election, with traverse, in the reply filed on



January 28, 2009, is acknowledged: a) Group I - claims 2, 3, 5 and 9-16, where X = O; Y = O; R<sub>1</sub> = -Ph; and R<sub>2</sub> = -Ph; and b) substituted pyrrolopyrazinedione

of formula IA - p. 19, example 1A.

The requirement is still deemed proper and is therefore made FINAL.

For clarity, reference to an alternate species selection, made in the *Non-Final Rejection*, mailed on October 28, 2008, was indeed inapposite to the instant application.

This application contains claims 7 and 8, drawn to a nonelected invention, with traverse, in the reply filed on January 28, 2009. A complete reply to the non-final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144). See MPEP § 821.01.

Thus, a second Office action and prosecution on the merits of claims 2, 3, 5 and 9-16 is contained within.

***Status of Specification Objection - Format***

Applicant's arguments, on page 7 of the *Remarks*, filed January 28, 2009, with respect to the objection to the format of the disclosure, have been fully considered, and are persuasive. Consequently, the objection to the format of the disclosure, made in the *Non-Final Rejection*, mailed on October 28, 2008, is hereby withdrawn, since, according to the *Substitute Specification*, filed January 28, 2009, the format of the disclosure has been amended to overcome the objection.

***Status of Specification Objection - Disclosure***

Applicant's arguments, on page 7 of the *Remarks*, filed January 28, 2009, with respect to the objection to the disclosure, have been fully considered, and are persuasive. Consequently, the objection to the disclosure, made in the *Non-Final Rejection*, mailed on October 28, 2008, is hereby withdrawn, since, according to the *Substitute Specification*, filed January 28, 2009, the disclosure has been amended to overcome the objection.

***Status of Specification Objection - Abstract***

Applicant's arguments, on page 8 of the *Remarks*, filed January 28, 2009, with respect to the objection to the abstract of the disclosure, have been fully considered, and are persuasive. Consequently, the objection to the abstract of the disclosure, made in the *Non-Final Rejection*, mailed on October 28, 2008, is hereby withdrawn, since, according to the *Substitute Specification*, filed January 28, 2009, the abstract of the disclosure has been amended to overcome the objection.

***Status of Claim Objections***

Applicant's arguments, on page 8 of the *Remarks*, filed January 28, 2009, with respect to claim 1, have been fully considered, but will not be addressed further, since, according to the *In The Claims*, filed January 28, 2009, claim 1 has been cancelled by applicant.

Applicant's arguments, on page 8 of the *Remarks*, filed January 28, 2009, with respect to claim 2, have been fully considered, and are persuasive. Consequently, the objection to claim 2, made in the *Non-Final Rejection*, mailed on October 28, 2008, is hereby withdrawn, since, according to the *In The Claims*, filed January 28, 2009, claim 2 has been amended to overcome the objection.

***Status of Claim Rejections - 35 U.S.C. § 112, First Paragraph***

Applicant's arguments, on pages 8-9 of the *Remarks*, filed January 28, 2009, with respect to claim 1, have been fully considered, but will not be addressed further, since, according to the *In The Claims*, filed January 28, 2009, claim 1 has been cancelled by applicant.

Applicant's arguments, on pages 8-9 of the *Remarks*, filed January 28, 2009, with respect to claim 5, have been fully considered, and are persuasive. Consequently, the rejection of claim 5, made in the *Non-Final Rejection*, mailed on October 28, 2008, is hereby withdrawn, since, according to the *In The Claims*, filed January 28, 2009, claim 5 has been amended to overcome the rejection.

***Status of Claim Rejections - 35 U.S.C. § 103***

Applicant's arguments, on pages 8-9 of the *Remarks*, filed January 28, 2009, with respect to claim 1, have been fully considered, but will not be addressed further, since, according to the

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*In The Claims*, filed January 28, 2009, claim 1 has been cancelled by applicant.

Applicant's arguments, on pages 8-9 of the *Remarks*, filed January 28, 2009, with respect to claim 2, have been fully considered, and are persuasive. Consequently, the rejection of claim 2, made in the *Non-Final Rejection*, mailed on October 28, 2008, is hereby withdrawn, since, according to the *In The Claims*, filed January 28, 2009, claim 2 has been amended to overcome the rejection.

### ***Reasons For Allowance***

Claims 2, 3, 5 and 9-16 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The limitation on the core of the substituted pyrrolopyrazinediones and pharmaceutical compositions of the formula IA that is not taught or fairly suggested in the prior art is the combination of  $R^1$ ,  $R^2$  and  $R^3$  on the periphery of the pyrrolopyrazinedione core. This limitation is present in all of the recited species in claim 3. The prior art is silent with regard to pyrrolopyrazinediones substituted with the combination of  $R^1$ ,  $R^2$  and  $R^3$ , as recited in claim 2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled *Comments on Statement of Reasons for Allowance*.

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***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The following is a statement of examiner's amendment to the record: claims 7 and 8 are hereby cancelled.

Claims 7 and 8 have been cancelled.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Donald J. Bird (Reg. No. 25,323) on February 24, 2009.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS M. WILLIS, whose telephone number is 571-270-5757. The examiner can normally be reached on Monday thru Thursday from 8:00-6:00 EST. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. James O. Wilson, can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DOUGLAS M WILLIS/  
Examiner, Art Unit 1624

/James O. Wilson/  
Supervisory Patent Examiner, Art Unit 1624